

Page 1

1 UNITED STATES DISTRICT COURT  
 2 EASTERN DISTRICT OF NEW YORK  
 3 ----- X  
 4 DANIEL WIRSHUP,  
 5 Plaintiff,  
 6 -against-  
 7 SUFFOLK COUNTY POLICE DEPARTMENT,  
 8 SUFFOLK COUNTY DISTRICT ATTORNEY,  
 9 THOMAS J. SPOTA; SUFFOLK COUNTY  
 10 DISTRICT ATTORNEY'S OFFICE, ASSISTANT  
 11 DISTRICT ATTORNEYS JANE and JOHN DOE  
 12 "I" - "S;" ASSISTANT DISTRICT ATTORNEYS  
 13 KEVIN WARD, JOHN SCOTT PRUDENTI, and  
 14 CHRISTOPHER NICOLINO; DETECTIVES/POLICE  
 15 OFFICERS TOM IACOPELLI, ROBERT AMATO,  
 16 and RAYMOND FELICE, DETECTIVES/POLICE  
 17 OFFICERS JOHN and JANE DOE "I" - "S,"  
 18 and THE COUNTY OF SUFFOLK,  
 19 Defendants.  
 20 ----- X  
 21 666 Old Country Road  
 22 Garden City, New York  
 23 May 31, 2007  
 24 2:05 p.m.  
 25 EXAMINATION BEFORE TRIAL of RAYMOND  
 FELICE, one of the Defendants in the above-  
 entitled action, held at the above time and  
 place, taken before Holly Dalola, a shorthand  
 reporter and Notary Public of the State of  
 New York.

Page 3

1 3  
 2  
 3 STIPULATIONS  
 4  
 5 IT IS HEREBY STIPULATED AND AGREED  
 6 by and between the attorneys for the  
 7 respective parties herein, that filing,  
 8 sealing and certification be and the  
 9 same are hereby waived.  
 10  
 11 IT IS FURTHER STIPULATED AND AGREED  
 12 that all objections, except as to the  
 13 form of the question shall be reserved  
 14 to the time of the trial.  
 15  
 16 IT IS FURTHER STIPULATED AND AGREED  
 17 that the within deposition may be signed  
 18 and sworn to before any officer authorized  
 19 to administer an oath, with the same force  
 20 and effect as if signed and sworn to before  
 21 the Court and that a copy of this  
 22 examination shall be furnished without  
 23 charge to the attorney representing the  
 24 witness testifying herein.  
 25

Page 2

1 2 APPEARANCES:  
 3  
 4 LAW OFFICE OF BRUCE BARKET  
 5 Attorneys for Plaintiff  
 6 666 Old Country Road  
 7 Suite 600  
 8 Garden City, New York 11530  
 9 BY: BRUCE BARKET, ESQ.  
 10  
 11 SUFFOLK COUNTY ATTORNEY'S OFFICE  
 12 Attorneys for Defendants  
 13 H. Lee Dennison Building  
 14 100 Veterans Highway  
 15 Hauppauge, New York 11788  
 16 BY: RICHARD DUNNE, ESQ.  
 17  
 18 ALSO PRESENT:  
 19 Daniel Wirshup  
 20 Tom Iacopelli  
 21 Robert Amato  
 22  
 23  
 24  
 25

2 ORIGINAL

Page 4

1 4  
 2 (Notice was marked as  
 3 Plaintiff's Exhibit 4 for  
 4 identification, as of this  
 5 date.)  
 6 RAYMOND FELICE,  
 7 the witness herein, having first  
 8 been duly sworn by a Notary Public  
 9 of the State of New York, was  
 10 examined and testified as follows:  
 11 EXAMINATION BY  
 12 MR. BARKET:  
 13 Q. Please state your name for the  
 14 record.  
 15 A. Raymond Felice.  
 16 Q. Do you recognize what I marked as  
 17 Plaintiff's Exhibit 4?  
 18 A. Do I recognize it?  
 19 Q. Have you ever seen it before?  
 20 A. No.  
 21 Q. Were you asked to bring anything to  
 22 the deposition today?  
 23 A. No.  
 24 Q. How did you find out the deposition  
 25 was today and where to go?

Page 5

1 Raymond Felice 5

2 A. I was advised by the County

3 Attorney's office.

4 Q. You were invited?

5 A. Advised.

6 Q. Have you ever been deposed before?

7 A. No.

8 Q. I'm going to ask a series of

9 questions. If a question is not clear to

10 you, just say that and I would try to

11 rephrase it. If you don't indicate that, we

12 are all going to assume the answers you gave

13 are responsive to the questions, okay?

14 A. Yes.

15 Q. Have you ever testified in court?

16 A. Yes, I have.

17 Q. How many times?

18 A. Numerous.

19 Q. Have you ever been a party to a

20 lawsuit?

21 A. No.

22 Q. Have you ever been sued or sued

23 anyone?

24 A. No.

25 Q. Did you review any documents or

Page 7

1 Raymond Felice 7

2 Q. Do you know Detective Amato?

3 A. Yes, I do.

4 Q. How do you know him?

5 A. He works in the DA's office.

6 Q. The gentleman sitting next to me?

7 A. Him, right there (indicating).

8 Q. How about Detective Iacopelli?

9 A. Yes.

10 Q. How do you know him?

11 A. He also works in the DA's office.

12 Q. Have you ever worked on a case with

13 them?

14 A. The Debut Concrete case.

15 Q. How was it that you were involved

16 in the case?

17 A. I started the case with my partner

18 and several other detectives, investigators,

19 dating back in 2002. Looking at all the

20 billing of concrete flat work done by Debut

21 Concrete in the Town of Brookhaven.

22 Q. I'm curious, how is that related to

23 the Labor Law Unit?

24 A. He also had his day workers -- he

25 wasn't paying them prevailing wage for day

Page 6

1 Raymond Felice 6

2 materials concerning this case prior to

3 coming here for the deposition?

4 A. I looked at the synopsis of the IAD

5 file.

6 Q. When did you do that?

7 A. In my office this morning.

8 Q. Are you currently employed?

9 A. Yes.

10 Q. What do you do?

11 A. I'm a police detective.

12 Q. Who do you work for?

13 A. Suffolk County Police Department.

14 Q. How long have you been so employed?

15 A. I just started 37 years.

16 Q. What is your current assignment?

17 A. I'm assigned to the Labor Law Unit

18 of the Suffolk District Attorney's Office.

19 Q. How long have you been in that

20 unit?

21 A. Roughly six years.

22 Q. What are your responsibilities

23 within that unit?

24 A. Enforce the New York State Labor

25 Law 220, prevailing wage violations.

Page 8

1 Raymond Felice 8

2 work.

3 Q. Did you have any employment before

4 the Suffolk County Police Department?

5 A. Yes.

6 Q. What was that?

7 A. I worked as a police officer,

8 seasonal police officer in the Village of

9 Ocean Beach. I drove a truck before that. I

10 worked in Grumman Aircraft.

11 Q. What is your educational

12 background?

13 A. I have a GED.

14 Q. Do you have any training in college

15 at all?

16 A. Years ago. We took some college

17 courses through the police department,

18 college credits.

19 Q. Do you have any training other than

20 as a police officer, any other profession?

21 A. I'm a plumber.

22 Q. Certified -- is there such a thing?

23 A. Licensed. I'm not licensed

24 anymore.

25 Q. Any training or work or experience

Page 9

1 Raymond Felice 9

2 in construction or concrete?

3 A. I poured some concrete,

4 construction. I've grown up in the

5 construction trade, yes.

6 Q. You say you poured some concrete.

7 In what capacity?

8 A. Building renovations and stuff.

9 Q. Is that a part-time job you had

10 while a police officer?

11 A. No, as a young boy.

12 Q. I don't mean to embarrass you, I'm

13 sure I won't, but how long ago was that?

14 A. Fifty years ago, forty-five years

15 ago.

16 Q. The construction, what kind of

17 construction work?

18 A. My uncles were builders. My father

19 was a plumber.

20 Q. Going back forty years ago?

21 A. Young boy, yes.

22 Q. I kind of asked the question, do

23 you have any expertise in this, other than

24 the work --

25 A. Practical training.

Page 11

1 Raymond Felice 11

2 A. We accompanied them measuring

3 sidewalks, flat work, parking lots. Stuff

4 like that, yes.

5 Q. Did you have attorneys that

6 analyzed the Village code?

7 A. Did I have an attorney?

8 Q. Not you, personally. Did you

9 utilize an attorney to analyze the Village

10 code during the course of your investigation?

11 A. I don't know if anybody analyzed

12 it. I think they looked at it.

13 Q. Who is "they?"

14 A. The attorneys in the office.

15 Q. District attorneys?

16 A. Yes.

17 Q. Who would they be?

18 A. Could have been Kevin Ward, John

19 Prudenti, Chris Nicolino.

20 Q. What was the professional

21 relationship between yourself and the people

22 from Suffolk County District Attorney Squad,

23 Amato and Iacopelli?

24 A. My relationship?

25 Q. Yes, in the course of this

Page 10

1 Raymond Felice 10

2 Q. Yes. Other than the work -- do you

3 have any formal training in concrete or

4 construction?

5 A. No.

6 Q. Do you hold yourself out as an

7 expert in any field other than as a law

8 enforcement officer?

9 A. No.

10 Q. Are you familiar with the

11 investigation involving Daniel Wirshup?

12 A. Yes.

13 Q. Were any experts used in connection

14 with the investigation involving Mr. Wirshup?

15 A. I believe the Village of Patchogue

16 when measuring the curbing and flat work done

17 in the Village, the Village of Patchogue

18 hired an engineering firm.

19 Q. Who was the firm?

20 A. They were from Blue Point.

21 Q. We'll leave a blank. You can fill

22 it in later.

23 (INSERT):

24 Q. Did you utilize those experts in

25 the course of your investigation?

Page 12

1 Raymond Felice 12

2 investigation. Was there a structure set up?

3 A. Not really.

4 Q. Was it your case and you asked them

5 what to do? Was it their case and they asked

6 you what to do?

7 A. No, it was basically a case that

8 came into the office and myself and Detective

9 Bartel, Detective Investigator Weber,

10 Detective Investigator Pataglia, Amato,

11 Iacopelli, we all worked on it.

12 Q. Did you ever have a conversation

13 with Mr. Wirshup?

14 A. Yes, I think in September of 2002.

15 Q. Where did the conversation take

16 place?

17 A. Village Hall, Patchogue.

18 Q. What was the nature of the

19 conversation?

20 A. I was subpoenaing records from the

21 Village. I also subpoenaed records from

22 Mr. Wirshup. John Lund was a foreman, I

23 believe, and Billy Felice, an assistant

24 foreman.

25 Q. Was the conversation limited to

Page 13

1 Raymond Felice 13  
 2 years of subpoena records, things like that?  
 3 A. Yes, basically.  
 4 Q. Did you ever talk to him at the  
 5 district attorney's office or the police  
 6 department?  
 7 A. Yes. He came in with his attorney,  
 8 Mr. O'Connell. That might have been in  
 9 October 2002.  
 10 Q. You were present for that meeting?  
 11 A. Outside having a cigarette.  
 12 Mr. Wirshup came in with his attorney. I met  
 13 Mr. Wirshup. I did have a conversation. His  
 14 step-sister was married to my sister-in-law's  
 15 brother and there was a wedding in our  
 16 family. I asked him if he had seen the boy  
 17 that came up from Florida, whatever, his  
 18 nephew.  
 19 Q. Did you participate at all in the  
 20 meeting he had with the district attorney --  
 21 A. I sat in on that meeting, yes.  
 22 Q. Who else was present?  
 23 A. I believe Mr. Prudenti. Possibly  
 24 Mr. Nicolino, Detective Bartel, myself. I  
 25 believe, Mr. O'Connell, Mr. Wirshup.

Page 15

1 Raymond Felice 15  
 2 Q. Was there any discussion among law  
 3 enforcement officers after the meeting of the  
 4 propriety of Mr. O'Connell representing  
 5 Mr. Wirshup?  
 6 A. Not to my knowledge, no.  
 7 Q. Did you ever participate in or hear  
 8 a conversation about whether or not  
 9 Mr. O'Connell had some kind of conflict and  
 10 shouldn't be representing Mr. Wirshup?  
 11 A. Later on in the investigation, I  
 12 heard some rumbling about it.  
 13 Q. When you say you heard some  
 14 rumbling --  
 15 A. There might have been a conflict  
 16 because Mr. O'Connell represented  
 17 Mrs. Strebble (phonetic), Superintendent of  
 18 Highways in Brookhaven. We had already  
 19 arrested Mr. Melvid, who was vice president  
 20 of Debut Concrete. He was represented --  
 21 Mr. O'Connell represented Mrs. Strebble and  
 22 we continued our investigation and found  
 23 shortages in work done in the Village of  
 24 Patchogue as well. There was some talk about  
 25 there might be a conflict.

Page 14

1 Raymond Felice 14  
 2 Q. How long did the meeting last?  
 3 A. A half hour.  
 4 Q. What was discussed?  
 5 A. Mr. Prudenti asked Mr. Wirshup if  
 6 he would want to assist us in the  
 7 investigation, if he knew certain things  
 8 about certain people. And Mr. Wirshup said  
 9 no, he had no knowledge of anything and that  
 10 was it.  
 11 Q. Were you aware that meetings were  
 12 being set up prior to attending it?  
 13 A. I might have been told that day.  
 14 Q. Do you know who Mr. Wirshup was in  
 15 connection with the investigation?  
 16 A. Yes. I met him at the Village  
 17 Hall.  
 18 Q. Do you know the role he played in  
 19 the investigation?  
 20 A. He was the superintendent of DPW in  
 21 the Village.  
 22 Q. Was there any discussion prior to  
 23 the meeting about the propriety of  
 24 Mr. O'Connell representing Mr. Wirshup?  
 25 A. Not to my recollection, no.

Page 16

1 Raymond Felice 16  
 2 Q. Among who?  
 3 A. The conversation?  
 4 Q. Yes, who was the conversation with?  
 5 A. Possibly the ADAs in the office.  
 6 Q. Was this the meeting that you  
 7 attended with Mr. O'Connell and Mr. Wirshup,  
 8 was this conflict brought to Mr. O'Connell's  
 9 attention?  
 10 A. I answered that before. I don't  
 11 believe so.  
 12 Q. When you all sat down, whenever it  
 13 was, I guess Fall '02 -- October?  
 14 A. October.  
 15 Q. Did anyone from the district  
 16 attorney's office say to Mr. O'Connell, "You  
 17 can't represent him. We have a problem with  
 18 you representing him because we think you  
 19 have a conflict?"  
 20 A. Not while I was present. I didn't  
 21 hear it.  
 22 Q. What role did you play in the  
 23 investigation with respect to Mr. Wirshup?  
 24 A. I carried over -- we had looked at  
 25 Brookhaven Town and the shortages in

Page 17

1 Raymond Felice 17  
 2 Brookhaven Town as far as curb conducted by  
 3 Debut Concrete. I had seen Debut's equipment  
 4 in Patchogue the year before, the Summer  
 5 before. So I had an idea that they had done  
 6 work and I talked to other contractors and  
 7 people in the trade. He was very active,  
 8 Debut Concrete. He had done a lot of work in  
 9 the town. He had done a lot of work at the  
 10 schools and had also done some work in  
 11 Patchogue. Patchogue was in the location of  
 12 Brookhaven Town and I wanted to see if he  
 13 also shorted the Village of Patchogue as far  
 14 as overcharging or not doing the work.  
 15 Q. Did you examine any of the sites  
 16 that were repaired by Melvid?  
 17 A. Yes.  
 18 Q. In Patchogue?  
 19 A. Yes.  
 20 Q. Did you examine any of the sites  
 21 that Mr. Wirshup certified or approved?  
 22 A. Yes.  
 23 Q. How many?  
 24 A. Numerous, again. Hundreds of feet  
 25 of curbing and sidewalk.

Page 19

1 Raymond Felice 19  
 2 A. Once again, one particular  
 3 instance, I believe, 104 feet curbing that  
 4 didn't exist that was charged to a job that  
 5 he signed off on.  
 6 We seized Debut's records with a  
 7 search warrant prior to Melvid's arrest. We  
 8 brought up, I believe, his QuickBooks and we  
 9 also had his employment log. In the Summer  
 10 of 2002, I believe, it was my partner going  
 11 through the books, noticed Brian Wirshup was  
 12 employed by Debut Concrete. We later found  
 13 out that that was Mr. Wirshup's son.  
 14 Q. How does that answer my question?  
 15 I don't follow the connection.  
 16 A. If you're looking for some type of  
 17 reimbursement, the son was being paid. I  
 18 believe, he made over \$3,000 that Summer.  
 19 When we spoke to some of the people because,  
 20 I believe, he had -- there was possibly one  
 21 or two days that he worked in Patchogue  
 22 Village and nobody had ever seen him there.  
 23 It was an assumption on our part that maybe  
 24 this was some type of reward.  
 25 Q. When you say you spoke to people,

Page 18

1 Raymond Felice 18  
 2 Q. Did you form a belief that  
 3 Mr. Wirshup was involved in criminal  
 4 activity?  
 5 A. Once we started measuring the flat  
 6 work and curbing, there was some question  
 7 about that, yes, because he was signing off  
 8 on the PO, the purchase orders, and one  
 9 instance, I think, this one curbing job that  
 10 was done, Rose Avenue, to the best of my  
 11 recollection -- it was not -- it was the Rose  
 12 Avenue job and Woodworks Lane. There was 104  
 13 foot of curbing that didn't exist that was  
 14 signed off on.  
 15 Q. You heard the conversation or  
 16 questioning I did this morning with  
 17 Mr. Iacopelli.  
 18 The difference between, perhaps,  
 19 Mr. Wirshup being a bad employee and a  
 20 criminal, you heard those questions?  
 21 A. Yes.  
 22 Q. What evidence can you point to that  
 23 Mr. Wirshup was involved in criminal activity  
 24 as opposed to just being sloppy or negligent  
 25 or lazy or something like that?

Page 20

1 Raymond Felice 20  
 2 who did you speak to?  
 3 A. Other employees of the Village on  
 4 the Highway Department. We asked if they  
 5 knew Mr. Wirshup's son. They said yes. We  
 6 asked, "Did you see him work" --  
 7 Q. Who are these people you spoke  
 8 with?  
 9 A. I believe one was John Lund. The  
 10 other was William Felice.  
 11 Q. Anyone else?  
 12 A. There may have been. I don't  
 13 recall.  
 14 Q. How many days did Mr. Wirshup's son  
 15 work in Patchogue, according to the records?  
 16 A. I thought there were several days  
 17 that he appeared on the records.  
 18 Q. Several being?  
 19 A. Maybe two or three days.  
 20 Q. Mr. Lund and Mr. Felice, what did  
 21 they do that that would have necessarily  
 22 seen --  
 23 A. The DPW workers, they were in the  
 24 Village of Patchogue at the time and, I  
 25 believe, they seemed to be working there. It

Page 21

1 Raymond Felice 21

2 was a fairly large project on South Ocean

3 Avenue.

4 Q. So they were at the same work site

5 where Mr. Wirshup's son was?

6 A. They passed by. I don't know if

7 they were working there constantly but the

8 Village is only a couple of square miles.

9 Q. Let me see if we can't narrow it

10 down just a little bit. Let me ask the

11 question a little bit broader.

12 Why is it that you think Lund or

13 Felice would have necessarily seen

14 Mr. Wirshup's son?

15 A. Because they were privy to the work

16 that was going on. I believe they were at

17 that site quite often.

18 Q. Assuming Summer is 120 days long

19 and he is there for two or three of those

20 days at a work site and it's not a work site

21 where Lund and Felice were assigned or were

22 working themselves --

23 A. I don't know --

24 MR. DUNNE: Object to the

25 form of the question.

Page 23

1 Raymond Felice 23

2 there. I wasn't assigned to that particular

3 project on a daily basis or eight hours on a

4 daily basis, no.

5 Q. Did you ever interview any

6 employees that worked with the same company

7 that Mr. Wirshup's son worked at?

8 A. Yes.

9 Q. Who did you speak to?

10 A. Lucio, I think it's Gonzalez.

11 Q. Did you confirm Mr. Wirshup's son

12 was actually employed and performed work for

13 Melvid Company?

14 A. I don't think Mr. Gonzalez worked

15 with his son, or don't recall.

16 Q. The records you looked at with

17 Mr. Wirshup's son -- his first name is Brian?

18 A. Right.

19 Q. Where Brian Wirshup was assigned,

20 were other people assigned to the same job?

21 A. Yes. I would have to look through.

22 Q. Did you go and interview those

23 people?

24 A. They weren't all cooperative with

25 us.

Page 22

1 Raymond Felice 22

2 Answer it as best you can.

3 A. I don't know if they were assigned

4 to that particular project on a daily basis.

5 Q. But they might have stopped by?

6 A. They drove by. Maybe they assisted

7 them. I don't know.

8 Q. In other words, what would be their

9 basis for saying -- obviously they could say,

10 "We never saw him."

11 A. I believe at that time, I believe,

12 my partner, Detective Bartel, asked them if

13 they knew Mr. Wirshup's son and they said

14 yes. My partner asked did they ever see him

15 on a job in the Village of Patchogue. They

16 said no.

17 Q. It's certainly not unusual if they

18 were not assigned to the site --

19 MR. DUNNE: Objection.

20 That's a statement, not a

21 question.

22 Q. Were they assigned to sites where

23 Mr. Wirshup's son was -- the records

24 indicated he was working?

25 A. I don't know if they were assigned

Page 24

1 Raymond Felice 24

2 Q. Did you speak with anyone who

3 worked at those jobs who told you either

4 Mr. Wirshup's son did, in fact, perform the

5 work that the records indicate or wasn't

6 there when --

7 A. No, they weren't cooperative.

8 Q. You didn't make a determination of

9 that either way?

10 A. No.

11 Q. What you said was an assumption of

12 the two or three days he was in Patchogue.

13 That assumption is based on what Lund and

14 Felice told you?

15 A. It was based upon, I believe, his

16 workbooks and my partner questioned them and

17 they said they had never seen him work in

18 Patchogue.

19 Q. Other than the two or three days he

20 supposedly worked in Patchogue, are there any

21 other dates he was working in Patchogue?

22 A. Not to my knowledge.

23 Q. The \$3,000, was that compensation

24 for those two or three days?

25 A. Over the course.

Page 25

1 Raymond Felice 25

2 Q. Over course of the Summer

3 employment?

4 A. Yes.

5 Q. How old was Brian at the time?

6 A. Maybe a teenager or late teenager

7 at that time.

8 Q. Remind you of anybody?

9 Was he assigned to other jobs?

10 A. I believe so.

11 Q. Did you go out to those other jobs

12 to see if he was working at those places?

13 A. That was the year before the work

14 had been complete.

15 Q. Did you go out and talk to the

16 people there to see if Brian had worked

17 there?

18 A. The workers weren't cooperative.

19 Q. Let me swing back to where I

20 started.

21 The indication that Brian -- was I

22 wrong to infer that you were implying that

23 Brian had a no-show job in exchange for his

24 father doing things for Melvid?

25 A. No. All I said is nobody had seen

Page 27

1 Raymond Felice 27

2 A. No.

3 MR. DUNNE: At which time?

4 MR. BARKET: Ever.

5 Q. As we sit her now, do you have any

6 evidence of criminal intent?

7 A. His intent, no.

8 Q. Did you testify in the Grand Jury?

9 A. No.

10 Q. Do you have any evidence of a

11 motive for Mr. Wirshup to having him

12 participated in this criminal conspiracy?

13 A. We have, I believe, other

14 investigators took statements that he was

15 very highLY pressure, as far as selling Debut

16 Concrete to work that was condemned in the

17 Village, homeowners, other than that, no.

18 Q. Do you have any indication why he

19 would have done this?

20 A. I could think of ten reasons why.

21 You're asking for intent or motive?

22 Q. Or proof.

23 A. Or proof, I don't have any at this

24 point.

25 Q. When did Mayor Keegan -- when was

Page 26

1 Raymond Felice 26

2 him in the Village of Patchogue when my

3 partner asked if they had seen him on the

4 job.

5 Q. That would have been two or three

6 days?

7 A. To the best my recollection.

8 Q. Getting back to the first question

9 I asked, which is evidence of Mr. Wirshup's

10 criminal intent, is what, if anything, other

11 than his son working for Melvid the year

12 before?

13 A. I never really spoke to Mr. Wirshup

14 about it, so I wouldn't know what his intent

15 is.

16 Q. Not Brian, but evidence of

17 Mr. Wirshup's criminal intent, Daniel.

18 A. I never spoke to Daniel Wirshup

19 about his criminal intent.

20 Q. Right. But you can prove criminal

21 intent through -- as a police officer, do you

22 have evidence of his intent, cash that he

23 received from Melvid, do you have statements

24 made by him to other people that he had a

25 scam going, do you have --

Page 28

1 Raymond Felice 28

2 he in office, do you remember?

3 A. I guess late '90s, early 2000. I

4 don't know the exact times when he was there.

5 Q. Who was the mayor in 2001, 2002,

6 Patchogue?

7 A. I don't know if it was Keegan or

8 Ihne, I-H-N-E, at that point.

9 Q. Did you have any conversations with

10 Mr. Amato and Mr. Iacopelli about them

11 speaking to Mr. Wirshup about Mr. O'Connell

12 representing him?

13 A. Later on in the investigation I

14 heard that they spoke to Mr. Wirshup.

15 Q. As part of your -- were you given

16 any training as a police officer concerning

17 when you can talk to a suspect and when you

18 couldn't?

19 A. Over the years, yes.

20 Q. Is there a manual in Suffolk about

21 that?

22 A. I'm sure it's in the rules of

23 procedures in one of the publications.

24 Q. Are you related to Mr. Felice?

25 A. Yes.

Page 29

1 Raymond Felice 29  
 2 Q. What is your relationship with  
 3 William Felice?  
 4 A. His relationship to me?  
 5 Q. Either/or.  
 6 A. He is my second cousin's son. You  
 7 do -- what is it second cousin once removed?  
 8 Q. If you were Mayor of New York you  
 9 could marry him.  
 10 What's his position now? Does he  
 11 still work in the Village of Patchogue?  
 12 A. Yes, I think he is still working  
 13 there.  
 14 Q. What does he do?  
 15 A. I think he was an assistant  
 16 foreman. I guess that's what he still does.  
 17 Q. Who took over Mr. Wirshup's job  
 18 when he left?  
 19 A. I don't know if they replaced him  
 20 or just left Lund who was the foreman under  
 21 Mr. Wirshup. I guess he is running it.  
 22 Q. Is there anybody else in the  
 23 Village of Patchogue that's related to you  
 24 that works for the Town?  
 25 A. I think there is a boy that works

Page 31

1 Raymond Felice 31  
 2 Q. Is there a relative of yours by the  
 3 name of Sal or Salvatore Felice?  
 4 A. Yes.  
 5 Q. Was he involved in politics at all?  
 6 A. He was a Village trustee or an  
 7 appointed trustee. That would be William's  
 8 brother.  
 9 Q. Had he ever run for office?  
 10 A. I think he did, yes.  
 11 Q. For mayor?  
 12 A. I don't know, mayor or trustee. He  
 13 might have ran for school board too.  
 14 Q. He is your second cousin's son, as  
 15 well?  
 16 A. Yes. He is William's brother.  
 17 MR. BARKET: Other than the  
 18 documents, we'll stop here.  
 19 MR. DUNNE: I just have a  
 20 few questions to clarify the  
 21 record.  
 22 EXAMINATION BY  
 23 MR. DUNNE:  
 24 Q. Detective, can you indicate how it  
 25 was that you came into the Town of Patchogue?

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1 Raymond Felice 30  
 2 on a garbage truck. It might be Vinny  
 3 Felice. Richard Felice works in the garage  
 4 as a mechanic.  
 5 Q. How about the Village clerk?  
 6 A. Now or then?  
 7 Q. Then.  
 8 A. Richard Colacola (phonetic), his  
 9 mother was Felice. I think a cousin, second  
 10 cousin to my father.  
 11 Q. Was there any discussion about  
 12 whether or not you should be conducting an  
 13 investigation into Patchogue, given your  
 14 family's numerous ties to the Village?  
 15 A. I had mentioned that I had  
 16 relatives that worked in the Village of  
 17 Patchogue and they didn't seem to be the  
 18 target of the investigation. They said no.  
 19 Basically, my investigation started  
 20 in the Town of Brookhaven. They only carried  
 21 it over into the Village because I was  
 22 familiar with what was done to the Town of  
 23 Brookhaven. We looked at Debut's work in the  
 24 Village of Patchogue and it was the same type  
 25 of method.

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1 Raymond Felice 32  
 2 A. Like I said before, I had seen them  
 3 working in the Summer of 2001 with some Debut  
 4 equipment. I told the boss in the office  
 5 that if they were going to continue, we would  
 6 look at them again. They did work down  
 7 there. When the investigation came up in the  
 8 Town of Brookhaven of the shortages in the  
 9 Town of Brookhaven, at that point I said,  
 10 let's go down and look in the Village of  
 11 Patchogue.  
 12 We found shortages, we found  
 13 numerous monolithic pours and curbing,  
 14 sidewalks. Shortages in curbs and sidewalks.  
 15 Q. What was your primary  
 16 responsibility with respect to what was  
 17 established as a larger investigation?  
 18 A. Just to go down to the Village and  
 19 determine if it was work done and subpoenaed  
 20 some POs, work orders, and when we compared  
 21 it to measuring, the work didn't exist.  
 22 Q. Was there a, quote, "Patchogue  
 23 team?"  
 24 A. Yes, to do the whole Patchogue  
 25 investigation and everything else, Amato and



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1 Raymond Felice 33  
 2 Iacopelli.  
 3 Q. Your responsibility was in  
 4 Brookhaven, primarily?  
 5 A. Primarily, yes.  
 6 Q. One thing we didn't ask. Assuming  
 7 February 6, '03 is the correct date, were you  
 8 scheduled to meet with Detectives Iacopelli  
 9 and Amato?  
 10 A. Yes.  
 11 Q. At any point in time, did you make  
 12 any phone calls to them?  
 13 A. Yes, I did.  
 14 Q. Can you just explain the  
 15 circumstances of the phone call?  
 16 A. We were to meet that late morning  
 17 at the Village Hall in Patchogue to try to  
 18 stay away -- I tried to stay away from the  
 19 Department of Public Works and have the crew  
 20 come to the Village Hall. When I got there,  
 21 they weren't there. I may have left a couple  
 22 of minutes before. I waited awhile and I  
 23 called them. By that time I had headed back  
 24 up to see if they went to the other location,  
 25 the Department of Public Works. I didn't see

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1 Raymond Felice 34  
 2 a car in the lot. I called and they said  
 3 they were at 7-Eleven and that they had  
 4 bumped into Mr. Wirshup.  
 5 Q. At that point that day or any time  
 6 prior, did you or Detective Iacopelli or  
 7 Detective Amato decide you were going to take  
 8 a run at Mr. Wirshup?  
 9 A. No, not at all.  
 10 Q. Was there any discussion about  
 11 attempting to look for Mr. Wirshup at DPW?  
 12 A. No.  
 13 MR. DUNNE: That's it.  
 14 MR. BARKET: What does "take  
 15 a run" mean?  
 16  
 17 (Continued on next page to  
 18 accommodate jurat.)  
 19  
 20  
 21  
 22  
 23  
 24  
 25

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1 Raymond Felice 35  
 2 THE WITNESS: If you're  
 3 going out to question somebody, you  
 4 look at his place of employment,  
 5 his home, take a run to see if he  
 6 wants to talk to you.  
 7 -o0o-  
 8 (Whereupon, the examination  
 9 of Raymond Felice was concluded at  
 10 2:40 p.m.)  
 11  
 12  
 13

RAYMOND FELICE

16  
 17 Subscribed and sworn to  
 18 before me this day  
 19 of , 2007.  
 20

NOTARY PUBLIC

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1  
2  
3 CERTIFICATE  
4

5 I, HOLLY DALOIA, a Notary Public  
6 within and for the State of New York, do  
7 hereby certify:

8 That the witness(es) whose testimony  
9 is hereinbefore set forth was duly sworn by  
10 me, and the foregoing transcript is a true  
11 record of the testimony given by such  
12 witness(es).

13 I further certify that I am not  
14 related to any of the parties to this action  
15 by blood or marriage, and that I am in no way  
16 interested in the outcome of this matter.  
17

18  
19  
20 HOLLY DALOIA  
21  
22  
23  
24  
25